

March 05, 2010

GLORIA L. FRANKLIN, CLERK

U.S. BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA



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Signed: March 04, 2010

EDWARD D. JELLEN
U.S. Bankruptcy Judge

Attorneys for US BANK NATIONAL
AR14

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA - OAKLAND DIVISION

In re

EDILBERTO A. SOLIVEN AND SHIRLEY
M. SOLIVEN,

Case No. 09-72349-EDJ

Chapter 7

R.S. No. CJR-497

ORDER GRANTING MOTION FOR
RELIEF FROM AUTOMATIC STAY

DATE: February 19, 2010

TIME: 10:00AM

CTRM: 215

Northern District of California - Oakland
Division

United States Bankruptcy Court
1300 Clay Street
Oakland, CA 94612

Debtor(s).

The above-captioned matter came on for hearing on February 19, 2010, at 10:00 AM, in Courtroom 215, upon the Motion of US Bank National Association, as Trustee for WFASC 2005-AR14 ("Movant"), for relief from the automatic stay of 11 U.S.C. § 362, to enforce its interest in the property of Edilberto A. Soliven and Shirley M. Soliven ("Debtors") commonly known as 1617 Saintsbury Drive, Las Vegas, Nevada 89144 (the "Real Property"), which is legally described as follows:

1 SEE LEGAL DESCRIPTION AS EXHIBIT FOR PROPOSED
2 ORDER GRANTING MOTION FOR RELIEF FROM
 AUTOMATIC STAY, DOCKET NUMBER 14.

3 Appearances as noted on the record.

4 Based on the arguments of counsel, and good cause appearing therefor,

5 IT IS HEREBY ORDERED:

6 1. The automatic stay of 11 U.S.C. § 362, is hereby terminated as it applies to the
7 enforcement by Movant of all of its rights in the Real Property under Note and Deed of Trust;

8 2. Movant is authorized to foreclose its security interest in the Real Property under
9 the terms of the Note and Deed of Trust, and pursuant to applicable state law;

10 3. The 14-day stay provided by Bankruptcy Rule 4001 (a)(3) is waived;

11 4. Post-petition attorneys' fees and costs for the within motion may be added to the
12 outstanding balance of the subject Note as allowed under applicable non-bankruptcy law;

13 5. Upon foreclosure, in the event Debtors fail to vacate the Real Property, Movant
14 may proceed in State Court for unlawful detainer pursuant to applicable state law; and

15 6. Movant may offer and provide Debtors with information re: a potential
16 Forbearance Agreement, Loan Modification, Refinance Agreement, or other Loan Workout/Loss
17 Mitigation Agreement, and may enter into such agreement with Debtors. However, Movant may
18 not enforce, or threaten to enforce, any personal liability against Debtors if Debtors' personal
19 liability is discharged in this bankruptcy case;

20 7. This Order shall be binding and effective despite any conversion of this
21 bankruptcy case to a case under any other chapter of Title 11 of the United States Code.

22 ** END OF ORDER **

COURT SERVICE LIST

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